The Health Market Inquiry

Inquiry Director

Advocate Clint Oellerman

VIA EMAIL: clinto@compcom.co.za

Cc: PaulinaM@compcom.co.za

Dear Advocate Clint Oellerman

RE: RESPONSE TO THE PROVISIONAL FINDINGS AND RECOMMENDATIONS REPORT ON THE COMPETITION COMMISSIONS INQUIRY INTO THE HEALTH MARKET INQUIRY (HMI) PUBLISHED FOR COMMENT ON 5 JULY 2018

Introduction

The Podiatry Association of South Africa (PASA) welcomes the opportunity to comment on the provisional findings and recommendations of the HMI published on 5 July 2018. PASA thanks the Inquiry Panel for their hard work and dedication with regards to the Inquiry and further thanks the Inquiry for allowing PASA the opportunity to comment on behalf of its members.

PASA represents Podiatrists around the country and was established in 1979. PASA is the recognised voice of Podiatry in South Africa, representing podiatrists in both private practice and the public sector. PASA is dedicated to promoting awareness of foot health, preventing lower limb injuries and assisting our members.

PASA works with governments and educational bodies to ensure that a quality Podiatry service is available when and where it is needed.

Comments

In so far as PASA makes comments with regards to the report, it shall endeavour to stay in line with what was requested by the panel in their report, vis, “Stakeholders are requested to provide submissions in respect of the proposed recommendations. Submissions should focus on the Stakeholder’s view of the recommendations”.

Postal Address: P.O. Box 135, Honeydew 2040
Shared Call: 086-110-0249 / Fax: 086-670-8134 / Registration Number: 034-843-NPO
Email: paso@podiatrist.co.za / Website: www.podiatrist.co.za
B. Maggen (Chairperson); S. Alexander (Vice-Chairperson); L. Stirk (National Secretary); E. Dayaram (National Treasurer)
Branch Chairs: L. Breedt (Gauteng); S. Pincus (Western Cape); M. Winfield (Eastern Cape); S. Neerashand (Kwa-Zulu Natal)
PASA states at the outset of these submissions that they agree with the recommendations that will align with the national policy trajectory towards Universal Health Coverage. PASA is however of the view that this alignment should be done with consideration for all role players in the industry.

PASA is in agreement with numerous findings pointed out relating to the medical schemes industry. In so far as the medical scheme industry utilises network or DSP agreements, these agreements should be open and transparent. The process of becoming a DSP or Network Service Provider should be documented with the assurance that such agreements will result in patients receiving the appropriate care for their clinical condition. The criteria that must be met in order to qualify as a DSP or Network Provider must be documented by each medical scheme and made available to any service provider that enquires. The manner in which a scheme currently appoints a DSP or Network Service Provider is sketchy and vague.

PASA would like to raise its concerns to the fact that it appears from the report that there is a large focus on General Practitioners as well as various Specialist Groups. Services such as Podiatry are vital in the delivery of healthcare and the prevention of certain catastrophic health events in a patient that suffers from various conditions. All medical disciplines should be considered in the process and the outcomes. PASA, unlike other larger organisations, does not participate in or has no influence over the manner in which medical schemes provide their benefits and therefore the benefits offered for Podiatry related services is often neglected or the pool provided is minimal. Podiatry is a significant and essential component of health service delivery, backed up with evidence, yet, it is often overlooked.

Podiatry has been overlooked in the past, probably because of high priority life threatening conditions. We do however note that Podiatry is included and acknowledged in table 3.4 of the report. The positive impact on quality of life, improved ability to participate in important domains (e.g. work) and the cost associated with secondary impairment in the absence of treatment should receive careful attention. It is our view that better and broader services will, in the longer term, outweigh the costs associated with providing such services. Podiatry services and skills have shown to be required in all 3 levels of health care; primary, secondary and tertiary levels.

In so far as the report relates to the accountability of medical professionals, PASA supports the need for quality outcome measures together with continuous peer review to be provided by the associations of specific disciplines. Clearly defined parameters must be set on which to measure each discipline of medicine. These quality outcomes should be put into place as a matter of urgency with accessibility to such measures either through the Health Professions Council of South Africa or through the association or society supporting each discipline.
The introduction of a Certificate of Need (“CON”) is of concern for PASA and the members which it represents. PASA does not support the CON. The process and requirements to obtain the CON are unclear and it creates uncertainty within the industry. There is also a great concern amongst Podiatrists that should their practice not be required in a certain location, they will be required to relocate despite having been at a specific location for a number of years. This places limitations on a constitutionally entrenched right to the freedom of movement of a citizen in South Africa. The CON will dictate where the Podiatrist, in this instance, would be based. Placing a Podiatrist in a specific area or location may impact on several aspects in their lives and the lives of their families. It may further hinder the ability of a Podiatrist to specialise in various much needed areas of Podiatry such as Diabetic lower limb management, Sports Podiatry, surgical intervention, Rheumatological Podiatry, Paediatric Podiatry, etc.

PASA is extremely concerned that the current uncertainty in the Health Sector together with the suggestion of the limitation on practitioners to freely practice their chosen profession, in a location of their choice, will result in an influx of Podiatrists leaving South Africa. The report makes provision for the investigation of the number of healthcare professionals in South Africa but omits disciplines like Podiatry. Currently PASA is aware of about 200-400 registered and practicing Podiatrists. This amount falls short of the amount required to service the population of South Africa.

PASA is further concerned that should the CON be implemented, this will have a negative impact on the patients right to choose which Podiatrist they want to be treated by, or it may have the impact that a patient who has been receiving treatment from a specific Podiatrist, may no longer be able to see that Podiatrist because they have been relocated because of the CON.

All of the aforementioned concerns are not addressed by the HMI nor are they even acknowledged despite the fact that they will have an impact, possibly negative, on the delivery of services to patients.

PASA is opposed to the concept of bundled payments as this will have a direct impact of contravening the Health Professions Council of South Africa’s rules on fee splitting between Healthcare Professionals. This is not clearly addressed by the HMI in their report. They do acknowledge the HPCSA Ethical Rules but there is no definitive way of addressing this impasse. Healthcare Practitioners shall not share fees with any person or Health Care Professional who has not taken a commensurate part in the service for which the fees are charged. In instances such as these where there would be a violation of the HPCSA Ethical Rules, such rules must be addressed and amended.

1 Guidelines on Overservicing, Perverse Incentives and Related Matters, Booklet 11, September 2011, paragraph 3.11
Failure to amend such rules will have the impact that any recommendation made by the HMI that would breach an Ethical Rule cannot be complied with by a Healthcare Professional as this will result in a direct transgression of the rules and will lead to disciplinary action and sanctions.

PASA is of the view that in so far as there is a recommendation on tariff setting that the tariffs set for Podiatry must be discussed between PASA as the representative body for Podiatry. PASA is the best placed body to discuss the procedures and protocols required in the profession. PASA is however firmly of the view that any pricing system that is regulated, must be done in an open, equitable, fair and transparent manner taking into account numerous considerations such as years of experience, further studies (Master’s and Doctoral Degrees obtained), the cost of various equipment (most Podiatry equipment is imported due to a lack of availability in South Africa), specialised equipment and training therein (e.g. Sports Podiatry and Diabetic Podiatry), etc. Tariffs cannot be negotiated or determined by funders or the larger professions. PASA welcomes the opportunity to be involved in all negotiations and is willing to offer and provide their expertise with regards to the discipline of Podiatry. PASA will however not set tariffs for its members in any manner that is deemed anti-competitive. It will be done with the guidance of this HMI.

In so far as the report addresses positive health outcomes and protocol development, PASA supports the notion of outcomes-based healthcare and the provision thereof. PASA however rebuts the presumption that any healthcare that is provided without a positive outcome could be deemed as over servicing. PASA supports the notion that carefully considered and constructed health outcomes will increase the quality of care provided to members. Outcomes must address the value of the service which must be provided together with role which the provider of the service must play. Outcomes must be developed taking into account research and the specific discipline to which they relate. Evidence-based medicine must play a large role in the provision and determination of outcomes.

Should the HMI require any further information, please contact:

Erin Dayaram
erinpodiatrist@gmail.com/pasa@podiatrist.co.za
0726434732

or

Brandon Maggen
brandon@sorefeet.co.za/pasa@podiatrist.co.za
021 555 0396